

In the United States Court of Federal Claims

No. 17-363C

(E-Filed: August 13, 2020)

RAYMOND G. FARMER, in his
capacity as Liquidator of Consumers'
Choice Health Insurance Company,
and MICHAEL J. FITZGIBBONS, in
his capacity as Special Deputy
Liquidator of Consumers' Choice
Health Insurance Company,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

On August 12, 2020, plaintiff filed, on behalf of the parties, a joint stipulation for the entry of judgment and dismissal of this matter. See ECF No. 16. On March 17, 2017, plaintiffs filed their five-count complaint seeking damages under section 1342 of the Affordable Care Act (ACA), 42 U.S.C. § 18062. See id. at 2. For clarity purposes, the court recites the parties' stipulations set forth in their joint stipulation, as follows.

The parties stipulate that Consumers' Choice is entitled to payment from the United States under section 1342 of the ACA in the amount of \$91,466,847.85 for benefit years 2014 and 2015.

The Parties further stipulate that the United States is entitled to payment from Consumers' choice under the Loan Agreement in the amount of \$314,002.18 for repayment of the start-up loan.

The parties also stipulate that the United States is not recovering the solvency loan through offset against Consumers' Choice's judgment in this case.

Id. at 2-3. In that regard, the parties

jointly request that the Court enter judgment in favor of Consumers' Choice in the amount of \$91,466,847.85 on Count I of the Complaint, and judgment in favor of the United States in the amount of \$314,002.18. The judgment in favor of the United States shall be paid through deduction from the amount owed under this judgment to Consumers' Choice upon submission of the judgments to the Judgment Fund. The net amount payable by the United States to Consumers' Choice pursuant to this judgment is \$91,152,845.67. The parties further request that the Court dismiss Counts II-V of the Complaint with prejudice.

Id. at 3.

Accordingly, pursuant to the parties' joint stipulation, ECF No. 16, the clerk's office is directed to **ENTER** final judgment on plaintiffs' complaint, as follows:

- (1) Count I in favor of plaintiffs' claims for **benefit years 2014 and 2015** of the risk corridors program in the amount of **\$91,466,847.85**, and judgment in favor of the United States in the amount of **\$314,002.18**;
- (2) The judgment in favor of the United States shall be paid through deduction from the amount owed under this judgment to Consumers' Choice upon submission of the judgments to the Judgment Fund;
- (3) The net amount payable by the United States to Consumers' Choice pursuant to this judgment is **\$91,152,845.67**; and
- (4) Counts II-V of plaintiffs' complaint are hereby **DISMISSED** with prejudice.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Judge